

**PLANNING BOARD  
APRIL 18, 2013  
MINUTES**

Chairman Giger called the meeting to order at 7:30 PM

Members present: Giger, Barringer, Burke, Perkins, and Wilson

Member absent: Parent and Svarczkopf

**PUBLIC HEARING – CONCEPT PLAN/PC MYETTE, 120 BOSTON ROAD**

The Board continued the public hearing to consider the concept plan submitted by PC Myette for 120 Boston Road. Applicants Peter and Andrea Myette, design engineer Stan Dillis, and Attorney Robert Ancil were present.

Attorney Ancil said the applicant met with abutters Dorothy Mack and Shane Grant to discuss their concerns. They will have better communication with the abutters as the project proceeds.

Chairman Giger read the letter dated April 16, 2013 from Peter Myette to Dorothy Mack and Shane Grant of Janes Properties, Ltd.

Mr. Grant said they met on Friday, April 12, 2013 and discussed the shared on-site sewage disposal system that was designed for 1875 gpd to serve the migrant worker housing located at 116 Boston Road. Mr. Grant said they are not interested in losing any capacity if they connect to the municipal sewer system. He said they still object to their business facing the rear of the new building on the Myette property. He said they are also concerned about traffic flow.

Chairman Giger pointed out that concept plan approval by Town Meeting does not approve the plan – it is only the first step in the process. The applicant must go to the Planning board, the Conservation Commission, and the Stormwater Advisory Committee for permits.

Member Perkins asked if the Conservation Commission had any concerns about the project. Attorney Ancil said at the pre-submission review with the Conservation Commission, the applicant discussed rain gardens and stormwater management techniques to correct drainage from off site. They discussed whether the site would be considered “previously disturbed” under the local Wetlands By-law. The Commission determined that the local by-law is applicable.

Chairman Giger read the comments dated April 11, 2013 from the Conservation Commission.

Member Barringer asked if the business at 116 Boston Road is retail. Mr. Grant said it is commercial/retail/design. Member Barringer asked where people park now. Mr. Grant said they have 18 parking spaces with an access easement along the property line.

Member Barringer asked the applicant if the access easement for 116 Boston Road would be maintained during construction at 120 Boston Road. Attorney Ancil said, “yes,” the 116 Boston Road property has frontage on Route 119 but access is via an easement on the Myette property at 120 Boston Road.

Member Wilson said the Board has not had enough time to consider the concept plan before Town Meeting. He asked why the applicant was in such a rush to bring the project to Town Meeting. He expressed concern about the shared sewage disposal system and drainage issues. He asked how the Board can go forward without a fully engineered plan. He said he did not know if he could approve the plan with negative impacts on the abutters unless the outstanding issues have been resolved.

Member Barringer questioned the 30 ft distance between the building and the easement. Attorney Anctil said the easement is 20 ft wide. He said this is only a concept plan – the building may be moved as requested by Mr. Grant. He added that the applicant cannot prepare fully engineered plans until after the Town Meeting vote. The plans will be submitted to the Planning Board with the application for Site Plan Review. Member Barringer said he understands the Concept Plan process, but the easement issue is a concern. The easement should be clear on the plan.

Selectman Anna Eliot said all the issues are for Site Plan Review. This potential business could be precluded from locating in Groton as a result of the Concept Plan process. It is important that the design issues be addressed during Site Plan Review and not at Town Meeting.

Member Wilson said he was not looking for detailed design at this stage. He was concerned that the Town would benefit one business at the expense of another.

Mr. Grant said this is a Concept Plan, and unless the sewage disposal system comes out, the concept plan is dead and cannot go forward. The two parties must come to an agreement for the plan to go forward. Dorothy Mack said she agreed with Mr. Grant that they will not disconnect from the shared sewage disposal system which affects the marketability of the property.

Member Burke said the purpose of the concept plan is to allow the Planning Board, Conservation Commission, and other departments to consider applications for Site Plan Review, Wetlands Protection permits, etc. There are no traffic studies, drainage design, or other engineering details at this stage. The Board will review the technical information during the special permit stage. The legal issues must be worked out between the two parties. He said some of the issues to be addressed include impact on Cady Pond Brook and the adjacent wetlands, the high groundwater elevations, compliance with stormwater management standards, traffic circulation, etc. The fact that the project is on municipal sewer and not an on-site sewage disposal system is a plus. The use of B-1 zoned property for professional offices is good economic development and provides services locally so residents do not have to go out of town. The town meeting vote must take place before the applicant can come back to the Board for Site Plan Review.

Member Barringer reiterated his concern about the access easement for 116 Boston Road which does not have access onto Boston Road because of the guardrail. The easement issue must be resolved during Site Plan Review.

Attorney Anctil said he prepared a power point presentation for Town Meeting based upon the requirements of Zoning By-law, Section 218-18 Major Projects. The applicant understands that this is concept plan only and that they must work with the Planning Board, the Conservation Commission, and the abutters to resolve all the issues.

Ms. Mack said the concept plan cannot be approved as submitted. Revised drawings should be presented to Town Meeting. She said she would not sign off on the shared sewage disposal system. Ms. Mack said the proposed plan cannot be done without destroying her business.

Selectman Stuart Shulman said the concept plan goes to Town Meeting for approval or denial. The site plan will be submitted only if Town Meeting approves the concept plan.

Member Barringer said the concept plan process is very fluid. Access, stormwater and other issues will be addressed during Site Plan Review.

The Board voted unanimously to close the public hearing.

## **PLANNING BOARD REPORTS TO TOWN MEETING**

**PC Myette Concept Plan** - The motion was made by Burke, seconded by Barringer, to recommend that Town Meeting approve the concept plan submitted by PC Myette, for property located at 120 Boston Road, so the plan may move forward in the permitting process.

The plan as submitted is preliminary and conceptual in nature by definition. As such the Planning Board reserves all rights and prerogatives as a Special Permit Granting Authority pursuant to MGL Chapter 40 A and the Groton Zoning By-law to modify and refine said plan based on its review of detailed plans with supporting technical data and comments received by Town Departments and the public. The special permit /site plan review process is iterative in nature and involves the consideration of detailed technical data including but not limited to: stormwater management; traffic; parking; circulation; topography; grading; adequacy of public utilities; sight distances; lighting; landscaping; visual impact; compatibility with surrounding uses; snow removal; and other such issues. Town Meeting by its nature as a legislative/policy body of government does not possess the organizational structure or technical capacity for the iterative and detailed technical review of a development plans. Concept Plan approval by Town Meeting is performed without the benefit of detailed plans or technical information and should not preclude or prevent the Special Permit Granting Authority from performing its statutory responsibilities in its review and consideration of detailed development plans and issuance of a decision to approve, approve with conditions/modifications, or deny said plan.

The motion passed with Giger, Barringer, Burke, and Perkins in favor; Wilson opposed.

**Article 26** - Chairman Giger will present the report on the PC Myette Concept Plan, to Town Meeting.

**Article 23** – Member Wilson will present the report on the Water Resource Protection District Map to Town Meeting.

**Article 24** - Member Wilson will present the report on the Zoning Map to Town Meeting.

**Article 25** - Member Burke will present the report on the Schedule of Use Regulations and Definitions pertaining to agriculture to Town Meeting.

## **ANR PLAN – GROTON ELECTRIC LIGHT DEPARTMENT, STATION AVENUE**

The motion was made by Barringer, seconded by Wilson, to endorse as Approval Not Required the plan entitled, “Plan of Land in Groton, Massachusetts, Prepared for the Groton Electric Light Department,” prepared by Ducharme and Dillis Civil Design Group, dated February 12, 2013. The motion passed with Giger, Barringer, Burke, and Perkins in favor; Wilson abstaining.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner